

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 60

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BARRY L. KRAMER
Junior Party,¹

v.

NIKOLAUS REIFART and ERIK ANDERSEN
Senior Party,²

Interference No. 103,358

¹ U.S. Patent No. 5,135,535, granted August 4, 1992, based on Application Serial No. 07/713,973, filed June 11, 1991; and Application Serial No. 07/881,673, filed May 12, 1992. Accorded benefit of Application Serial No. 07/713,973, filed June 11, 1991, now U.S. Patent 5,135,535, granted August 4, 1992. Assignors to Advanced Cardiovascular Systems, Inc., a corp. of California.

² Application Serial No. 08/007,756, filed January 22, 1993. Accorded benefit of Application Serial No. 07/681,805, now abandoned. Assignors to Boston Scientific Corporation.

Interference No. 103,358

Before METZ, PATE and MARTIN, Administrative Patent Judges.
PATE, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662(a)

Now comes junior party Kramer with a concession of priority. Pursuant to 37 CFR § 1.662(a) such a concession is to be treated as a request for entry of adverse judgment. Accordingly, the following judgment is entered.

Additionally, junior party Kramer has withdrawn any objection to Reifart's 37 CFR § 1.634 motion for change of inventorship. The interference has been redeclared in a separate paper to reflect the change in inventorship.

Judgment

Judgment in Interference Number 103,358 is hereby entered against Barry L. Kramer, the junior party. Barry L. Kramer is not entitled to his patent claims 1-14 in U.S. Patent No. 5,135,535 or to application claims 1, 20 and 23-27 in Serial No. 07/881,673. All these claims correspond to the count in interference. Judgment is entered in favor of Nikolaus Reifart and Erik Andersen, the senior party. Nikolaus Reifart and Erik

Interference No. 103,358

Andersen are entitled to their application claims 29 and 30,
which claims correspond to the count in interference.

ANDREW H. METZ)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
WILLIAM F. PATE, III)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
JOHN C. MARTIN)	
Administrative Patent Judge)	

WFP:psb

Interference No. 103,358

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